
By: **Delegate Elliott**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect - Investigation Procedures**

3 FOR the purpose of requiring a local department of social services or a law
4 enforcement agency conducting an investigation of a report of suspected child
5 abuse or neglect to interview the child under certain circumstances; requiring
6 that certain standard operating procedures for the investigation and prosecution
7 of reported cases of suspected child abuse include a requirement that any
8 interview with the child be recorded in a certain manner; altering certain
9 procedures implemented by certain agencies conducting joint investigations of
10 reported cases of suspected child sexual abuse; and generally relating to child
11 abuse and neglect.

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 5-706
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Family Law**

20 5-706.

21 (a) Promptly after receiving a report of suspected abuse or neglect of a child
22 who lives in this State that is alleged to have occurred in this State:

23 (1) the local department or the appropriate law enforcement agency, or
24 both, if jointly agreed on, shall make a thorough investigation of a report of suspected
25 abuse to protect the health, safety, and welfare of the child or children; or

26 (2) the local department shall make a thorough investigation of a report
27 of suspected neglect to protect the health, safety, and welfare of the child or children.

1 (b) Within 24 hours after receiving a report of suspected physical or sexual
2 abuse of a child who lives in this State that is alleged to have occurred in this State,
3 and within 5 days after receiving a report of suspected neglect or suspected mental
4 injury of a child who lives in this State that is alleged to have occurred in this State,
5 the local department or the appropriate law enforcement agency shall:

6 (1) see the child AND, IF APPROPRIATE, INTERVIEW THE CHILD;

7 (2) attempt to have an on-site interview with the child's caretaker;

8 (3) decide on the safety of the child, wherever the child is, and of other
9 children in the household; and

10 (4) decide on the safety of other children in the care or custody of the
11 alleged abuser.

12 (c) The investigation under subsection (b) of this section shall include:

13 (1) a determination of the nature, extent, and cause of the abuse or
14 neglect, if any;

15 (2) if mental injury is suspected, an assessment by two of the following:

16 (i) a licensed physician, as defined in § 14-101 of the Health
17 Occupations Article;

18 (ii) a licensed psychologist, as defined in § 18-101 of the Health
19 Occupations Article; or

20 (iii) a licensed social worker, as defined in § 19-101 of the Health
21 Occupations Article; and

22 (3) if the suspected abuse or neglect is verified:

23 (i) a determination of the identity of the person or persons
24 responsible for the abuse or neglect;

25 (ii) a determination of the name, age, and condition of any other
26 child in the household;

27 (iii) an evaluation of the parents and the home environment;

28 (iv) a determination of any other pertinent facts or matters; and

29 (v) a determination of any needed services.

30 (d) On request by the local department, the local State's Attorney shall assist
31 in an investigation under subsections (b) and (c) of this section.

32 (e) (1) The local department, the appropriate law enforcement agencies, the
33 State's Attorney within each county and Baltimore City, the department's office

1 responsible for child care regulation, and the local health officer, shall enter into a
2 written agreement that specifies standard operating procedures for the investigation
3 under subsections (b) and (c) of this section and prosecution of reported cases of
4 suspected abuse.

5 (2) THE STANDARD OPERATING PROCEDURES SHALL INCLUDE A
6 REQUIREMENT THAT, FOR JUDICIAL REVIEW, ANY INTERVIEW WITH THE CHILD BE
7 RECORDED ON:

8 (I) VIDEOTAPE; OR

9 (II) IF VIDEOTAPING IS NOT FEASIBLE, AUDIOTAPE.

10 (f) (1) The agencies responsible for investigating reported cases of suspected
11 sexual abuse, including the local department, the appropriate law enforcement
12 agencies, and the local State's Attorney, shall implement a joint investigation
13 procedure for conducting joint investigations of sexual abuse under subsections (b)
14 and (c) of this section.

15 (2) The joint investigation procedure shall:

16 (i) include appropriate techniques for expediting validation of
17 sexual abuse complaints;

18 (ii) include investigation techniques designed to:

19 1. decrease the potential for physical harm to the child;

20 [and]

21 2. decrease any trauma experienced by the child in the
22 investigation and prosecution of the case; and

23 3. DECREASE THE POTENTIAL FOR INFLUENCE OF THE
24 CHILD'S RECOLLECTIONS BY THE INVESTIGATOR'S SUGGESTIONS;

25 (III) INCLUDE A REQUIREMENT THAT, FOR JUDICIAL REVIEW, ANY
26 INTERVIEW WITH THE CHILD BE RECORDED ON:

27 1. VIDEOTAPE; OR

28 2. IF VIDEOTAPE IS NOT FEASIBLE, AUDIOTAPE; AND

29 [(iii)] (IV) establish an ongoing training program for personnel
30 involved in the investigation or prosecution of sexual abuse cases.

31 (g) (1) To the extent possible, an investigation under subsections (b) and (c)
32 of this section shall be completed within 10 days after receipt of the first notice of the
33 suspected abuse or neglect by the local department or law enforcement agencies.

1 (2) An investigation under subsections (b) and (c) of this section which is
2 not completed within 30 days shall be completed within 60 days of receipt of the first
3 notice of the suspected abuse or neglect.

4 (h) Within 10 days after the local department or law enforcement agency
5 receives the first notice of suspected abuse of a child who lives in this State that is
6 alleged to have occurred in this State, the local department or law enforcement
7 agency shall report to the local State's Attorney the preliminary findings of the
8 investigation.

9 (i) Within 5 business days after completion of the investigation of suspected
10 abuse of a child who lives in this State that is alleged to have occurred in this State,
11 the local department and the appropriate law enforcement agency, if that agency
12 participated in the investigation, shall make a complete written report of its findings
13 to the local State's Attorney.

14 (j) Promptly after receiving a report of suspected abuse or neglect of a child
15 who lives in this State that is alleged to have occurred outside of this State, the local
16 department shall:

17 (1) forward the report to the appropriate agency outside of this State
18 that is authorized to receive and investigate reports of suspected abuse or neglect;

19 (2) cooperate to the extent requested with the out-of-state agency
20 investigating the report; and

21 (3) if determined appropriate by the local department:

22 (i) interview the child to assess whether the child is safe; and

23 (ii) provide services to the child and the child's family.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2004.